

MAY 12, 2020 MINUTES
OAKLAND BOARD OF ADJUSTMENT
COUNCIL CHAMBERS - 8:00 P.M.
PUBLIC HEARING

Pursuant to Chapter 231, Public Law 1975 Open Public Meetings Act, adequate notice of this meeting has been provided by:

- *Adoption of an annual schedule of meetings.
- *Posting a copy of same at Borough Hall.
- *Forwarding a copy of same to the Record.
- *Mailing a copy to any person requesting same.

FLAG SALUTE, MEETING OPENED AT 8:00 P.M.

ROLL CALL: Present: Mmes. King & Campanelli Messrs. Rose, Arredondo, Ackerly, Bremer, Chadwick, Smid and Chairman Lepre.
Absent: None

Also in attendance were Ms. Sophy Sedarat, Board Attorney; Steve Lydon, Burgis Associates and John Yakimik, Boswell Engineering.

Mr. Steve Lydon and Mr. John Yakimik were sworn in by Ms. Sedarat.

PUBLIC MEETING:

1. U Paint Studio, LLC – 350 Ramapo Valley Road, Unit 410, Block 3906/Lot 1. Public hearing for a use variance.

Board members conducted a site inspection. Mrs. Campanelli reported that the site is located in a CBD-1 (Central Business District) zone within the Copper Tree Mall where traffic is moderate. Chairman Lepre reviewed the comments from the various department.

The applicant is seeking use variance approval for a business that is not a permitted use within the zone.

Mr. Ben Cascio, Esq., Franklin Lakes, was before the Board to represent the application. He explained that the applicant has filed an application to open an art instruction studio in the Copper Tree Mall which will require a use variance. Instructional or tutorial uses are not permitted in the CBD-1 zone. However, their proposed use is similar to other uses in the Copper Tree Mall such as the Real Brave Music Academy, Tae Kwon Do and Pilate's studios. He introduced the applicant and she was sworn in.

Ms. Vilma Mirkov testified that she has been a resident of Oakland for 10 years and would like to launch her business to expand her instruction in town. She plans to offer morning and evening sessions to seniors, young adults and masters. These sessions will consist of after school sessions, adult date night and mixers. Some sessions on the weekend may brunches, birthday celebrations and feature surrounding artists, brunch and birthday celebrations which may involve beverages and snacks.

Ms. Mirkov explained that the size of the studio is approximately 1575 square feet. A total of 9 tables, accommodating 4 people per table, are being proposed. The total of occupants at one time will be 36. The business will be owner operated with the intention of hiring a part-time employee in the future. A discussion ensued concerning “social distancing” and Ms. Mirkov agreed that she would comply with the recommended state guidelines for her business.

She informed the Board of supplies and paints to be utilized in her studio. A maximum of 20 gallons of acrylic paint will be stored at the studio at a time. Acrylic paint is water soluble so there is no need for chemical solutions to clean paint brushes. They plan to install a slop-sink with an ejector pump that will pump all gray water into a 42” X 48” potable tote. An environmental waste company will then remove the waste off site as needed.

Hours of operation shall be Tuesday and Wednesday from 10 a.m.-6 p.m., Thursday and Friday from 12-9 p.m., Saturday from 10 a.m. - 6 p.m. and Sunday from 12 p.m. – 4 p.m. Copper Tree Mall has provided sufficient parking in the front and rear of this unit with no impact on the entire mall.

There were discussions concerning flammable products, food preparation and consuming alcoholic beverages on site. Ms. Mirkov responded that all paint is water soluble and there is no need to store any chemicals for cleaning. She explained that the back room will have a refrigerator to store snacks supplied by the patron. Occasionally, during the adult sessions, they may bring their own bottle of wine like a BYOB. The Board had concerns with the liability and safety factors of consuming alcoholic beverages on site. Most of the Board members were satisfied with a stipulation that the applicant comply with municipal and state laws pertaining BYOB sessions and the Board will not assume any liability for alcohol consumption if the variance is approved.

Mr. Yakimik and Mr. Lydon informed the Board how parking is calculated in the CBD1 zone. Mr. Yakimik confirmed that the studio and Copper Tree Mall were ADA compliant. Mr. Lydon questioned if a sign was being proposed since nothing was included on the plans. Mr. Cascio responded that they would return to the Board if the sign does not comply with the Borough’s sign ordinance. Mr. Lydon weighed the benefits and detriments of the application with Mr. Cascio.

Mr. Cascio’s closing statement included that this type of business is becoming popular and fits in well with the other businesses at Copper Tree Mall.

Motioned by Mr. Smid and seconded by Mr. Bremer, to open the meeting to the public with regards to comments concerning the U Paint application.

No comments.

Motioned by Mr. Arredondo and seconded by Mr. Bremer, to close the meeting to the public with regards to comments concerning the U Paint application.

No more discussion. Chairman Lepre entertained a motion.

Motioned by Mr. Chadwick and seconded by Mr. Arredondo, to approve the U Paint application with the stipulation that the applicant adhere to the state and local regulations pertaining to a BYOB.

Roll Call Vote: Ayes: Messrs. Arredondo, Ackerly, Bremer, Chadwick and Chairman Lepre.
 Nays: Mr. Smid
 Abstain: None
 Absent: None

2. Liss – 59 Glen Gray Road, Block 901, Lot 13. Public hearing for a side yard setback.

Chairman Lepre announced that the applicant has requested to carry their application to the June hearing with no further notice. The applicant was awaiting DEP approval. A discussion ensued that if the application is then in the flood zone, it will probably need to be reviewed by the Planning Board.

MEMORIALIZATION OF RESOLUTION:

Eligible voters: Messrs. Arredondo, Ackerly, Bremer, Smid and Chairman Lepre.

1. Romanowski – 37 Pawnee Avenue, Block 5301, Lot 36. Approval for a bulk variance.
A/C unit in the side yard setback.

Motioned by Mr. Arredondo and seconded by Mr. Bremer, to memorialize the above resolution of approval.

Roll Call: Ayes: Messrs. Arredondo, Ackerly, Bremer, Smid and Chairman Lepre.
 Nays: None
 Abstain: None
 Absent: None

2. Gerges – 791 Ramapo Valley Road, Block 901, Lot 29. Approval for a bulk variance.

Sunroom over existing deck in the rear yard setback.

Motioned by Mr. Smid and seconded by Mr. Bremer, to memorialize the above resolution of approval.

Roll Call: Ayes: Messrs. Arredondo, Ackerly, Bremer, Smid and Chairman Lepre.
Nays: None
Abstain: None
Absent: None

3. Murphy – 829 Ramapo Valley Road, Block 901, Lot 24. Approval for a bulk variance.
Deck in the rear yard setback.

Motioned by Mr. Bremer and seconded by Mr. Ackerly, to memorialize the above resolution of approval.

Roll Call: Ayes: Messrs. Arredondo, Ackerly, Bremer, Smid and Chairman Lepre.
Nays: None
Abstain: None
Absent: None

PAYMENT OF BILLS:

Motioned by Mr. Bremer and seconded by Mr. Chadwick, to approve the payment of bills subject to the availability of funds was voted unanimously by the Board.

APPROVAL OF MINUTES:

Motioned by Mr. Smid and seconded by Mr. Bremer, to approve the March 10, 2020 minutes was voted unanimously by the Board.

NEW BUSINESS DISCUSSION:

None

OLD BUSINESS DISCUSSION:

None

MEETING ADJOURNED:

Motioned by Mr. Bremer and seconded by Mr. Rose, to adjourn the meeting at 10:00 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

*Next meeting is June 9, 2020.